

SEP 06 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Whitehouse
Serial No.:	09/901,428
Title:	Multiple Ion Guide
Filing Date:	July 9, 2001
Examiner:	Kiet Tuan Nguyen
Group:	2881
Atty Docket No.:	840.052.203

PATENT
APPLICATION

VIA FACSIMILE: 571-273-8300
ATTENTION: Deputy Comm'r for Patent Examination Policy
Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO HAVE ENTERED AN UNINTENTIONALLY DELAYED DOMESTIC
PRIORITY CLAIM UNDER 37 CFR § 1.78(a)(3) AND MPEP § 1002.02(b)**

Sir:

Applicant submits the instant Petition to have entered the unintentionally delayed priority claim of the above-captioned application to 09/808,468 filed March 14, 2001. It is a continuation thereof. Kindly charge the petition fee of \$1370 (per 37 CFR § 1.17(t)) to the undersigned's Deposit Account No. 02-2105 as well as any other fees necessary to support the instant Petition.

On May 22, 2006, the Examiner issued an Office Action stating that the Applicant failed to claim priority to U.S. Patent Appl'n No. 09/808,468 in a timely manner when it made such claim via an amendment on February 8, 2006. This priority claim is necessary to establish continuity to one or more prior issued U.S. patents which are required to support Applicant's request to provoke an interference. Applicant hereby petitions to have its February 8, 2006 claim of priority entered as unintentionally delayed pursuant to 37 CFR § 1.78(a)(3) and MPEP §

U.S. Pat. Appl'n No. 09/901,428
Inventor: Whitehouse
Petition to Have Entered Unintentionally
Delayed Priority Claim

1002.02(b).

In accordance with 37 CFR § 1.78(a)(3)(i)-(iii), such a petition must have three components: i) the reference to the prior-filed application, unless previously submitted; ii) the surcharge under 37 CFR § 1.17(t); and iii) a statement that the entire delay in making the priority claim was unintentional. Regarding item i), the reference was submitted via amendment in the application on February 8, 2006. Should an additional reference be required, the Office is respectfully requested to telephone the undersigned prior to denying the Petition so that any errors may be corrected. Regarding item ii), the fee under § 1.17(t) is to be charged to the undersigned's Deposit Account No. 02-2105. Regarding item iii), Applicant and the undersigned respectfully submit that the entire delay between the date that the claim was due under § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

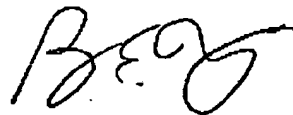
Prompt and favorable consideration on the merits is respectfully requested in light of the pending Office Action of May 22, 2006.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: June 2, 2006

Levisohn, Berger & Langsam, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
212-486-7272, x304
212-486-0323 (fax)
b.negrin@LLBL.com

Respectfully submitted,



Barry E. Negrin
Reg. No.: 37,407
Attorney for Applicant

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**PETITION TO HAVE ENTERED AN UNINTENTIONALLY DELAYED DOMESTIC
PRIORITY CLAIM UNDER 37 CFR § 1.78(a)(3) AND MPEP § 1002.02(b)**

Sir:

Applicant submits the instant Petition to have entered the unintentionally delayed priority claim of the above-captioned application to 09/808,468 filed March 14, 2001. It is a continuation thereof. Kindly charge the petition fee of \$1370 (per 37 CFR § 1.17(t)) to the undersigned's Deposit Account No. 02-2105 as well as any other fees necessary to support the instant Petition.

On May 22, 2006, the Examiner issued an Office Action stating that the Applicant failed to claim priority to U.S. Patent Appl'n No. 09/808,468 in a timely manner when it made such claim via an amendment on February 8, 2006. This priority claim is necessary to establish continuity to one or more prior issued U.S. patents which are required to support Applicant's request to provoke an interference. Applicant hereby petitions to have its February 8, 2006 claim of priority entered as unintentionally delayed pursuant to 37 CFR § 1.78(a)(3) and MPEP §

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U.S. Pat. Appl'n No. 09/901,428
Inventor: Whitehouse
Petition to Have Entered Unintentionally
Delayed Priority Claim

1002.02(b).

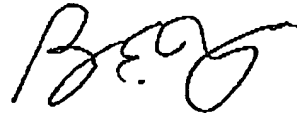
In accordance with 37 CFR § 1.78(a)(3)(i)-(iii), such a petition must have three components: i) the reference to the prior-filed application, unless previously submitted; ii) the surcharge under 37 CFR § 1.17(t); and iii) a statement that the entire delay in making the priority claim was unintentional. Regarding item i), the reference was submitted via amendment in the application on February 8, 2006. Should an additional reference be required, the Office is respectfully requested to telephone the undersigned prior to denying the Petition so that any errors may be corrected. Regarding item ii), the fee under § 1.17(t) is to be charged to the undersigned's Deposit Account No. 02-2105. Regarding item iii), Applicant and the undersigned respectfully submit that the entire delay between the date that the claim was due under § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Prompt and favorable consideration on the merits is respectfully requested in light of the pending Office Action of May 22, 2006.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: June 2, 2006

Respectfully submitted,



Barry E. Negrin
Reg. No.: 37,407
Attorney for Applicant

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212-486-7272 FACSIMILE: 212-486-0323 flangsam@LBL.com			
FACSIMILE TRANSMISSION			
TO:	U.S. Patent and Trademark Office	FAX NO:	571-273-4340
ATTN:	Office of Petitions	App'n No.	09/901,438
FROM:	Barry E. Negrin LEVISOHN, BERGER & LANGSAM, LLP		
DATE:	June 2, 2006	Time:	Whitehouse
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TO: U.S. Patent and Trademark Office FAX NO: 571-273-8300

ATTN: Office of Petitions Appl'n No. 09/901,428

FROM: Barry E. Negrin
LEVISOHN, BERGER & LANGSAM, LLP

DATE: June 2, 2006 Inventor: Whitehouse

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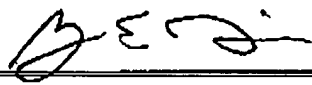
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ATTN: Office of Petitions Appl'n No. 09/901,428

FROM: Barry E. Negrin
LEVISOHN, BERGER & LANGSAM, LLP

DATE: June 2, 2006 Inventor: Whitehouse

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CONFIRMATION BY MAIL TO FOLLOW - ☐ YES - ☒ NO

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